

## **REMARKS**

Claims 1-25 are pending and under consideration in the above-identified application. In the Office Action of October 18, 2007, claims 1-25 were rejected. With this Amendment, claims 3-12 and 15-25 were amended and claims 1, 2, 13 and 14 were cancelled. Accordingly, claims 3-12 and 15-25 are at issue. No new matter has been added.

### **I. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1, 7, 8, 13, 19, 20, 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Miyake* (JP 11-251678) ("*Miyake*"). Applicant respectfully traverses this rejection.

With this amendment claims 1, 2 and 13 are cancelled. Therefore, the rejection is moot as to claims 1, 2 and 13. Further, because claims 7, 8, 19, 20 and 21 depend, either directly or indirectly, from claims 1, 2 and 13, the rejection is moot as to those claims.

### **II. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 2-6, 9-12, 14-18 and 22-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Miyake*. Applicant respectfully traverses this rejection.

With this amendment, claims 2 and 14 are cancelled. Therefore, the rejection is moot as to claims 2 and 14.

In relevant part, independent claims 3 and 15 recite:

"an aluminum composition ratio  $X1$  of said first ridge-shaped layer is  $0.60 \leq X1 \leq 0.70$ , and an aluminum composition ratio  $X2$  of said second ridge-shaped layer is  $X2 \leq X1$ ."

This is clearly unlike *Miyake*, which fails to disclose an aluminum composition ratio  $X1$  of a first ridge-shaped layer being  $0.60 \leq X1 \leq 0.70$ , and an aluminum composition ratio  $X2$  of a second ridge-shaped layer being  $X2 \leq X1$ . Further, as the Examiner concedes, nowhere does *Miyake* disclose an aluminum composition ratio  $X1$  of a first ridge-shaped layer being  $0.60 \leq X1 \leq 0.70$ , and an aluminum composition ratio  $X2$  of a second ridge-shaped layer being  $X2 \leq X1$ .

As the Applicant's specification discloses, providing an aluminum composition ratio  $X1$  of a first ridge-shaped layer being  $0.60 \leq X1 \leq 0.70$ , and an aluminum composition ratio  $X2$  of a second ridge-shaped layer being  $X2 \leq X1$  is critical to reducing the amount of current leaking the direction parallel to the hetero junction. See U.S. Patent Pub. 2006/0284186 Para. [0056]-[0057]. Accordingly, the semiconductor light-emitting device disclosed by *Miyake* is incapable of producing the semiconductor light-emitting device claimed.

Therefore, because *Miyake* fails to disclose or even fairly suggest all of the features of claims 3 and 15, the rejection is improper. Because claims 9-12, 16-18 and 22-25 depend, either directly or indirectly, from claims 3 and 15, they are patentable for at least the same reasons.

### **III. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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